

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PETER BORMUTH,

Plaintiff,

v.

Case No. 12-11235

CITY OF JACKSON, et al.,

Defendants.

ORDER DENYING MOTION TO SET ASIDE

Plaintiff moves to set aside the May 9, 2013, order on the ground that he recently moved in the court of appeals for re-hearing of a petition for mandamus. A petition for mandamus does not remove the jurisdiction of the district court. See, e.g., *Ellis v. U.S. Dist. Court (In re Ellis)*, 360 F.3d 1022 (9th Cir. 2004); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1416 (5th Cir. 1995). Accordingly,

IT IS ORDERED that the motion to set aside [Dkt. # 94] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 21, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 21, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522